

MEMO ENDORSED

Doc #12

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

X

CARMEN COLLADO, on behalf of herself and all  
others similarly situated,

Plaintiff,

v.

PEPSICO, INC. and PEPSI BOTTLING VENTURES  
LLC,

Defendants.

07 CIV 6874 (CLB)

NOTICE OF MOTION

ECF FILING

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, the

Declaration of Diane Petroccione, dated September 18, 2007, and the exhibit annexed thereto,

Defendants PepsiCo, Inc. and Pepsi Bottling Ventures LLC will move this Court before the

Honorable Charles L. Brieant at the United States District Court for the Southern District of New

York, Courtroom 218, 300 Quarropas Street, White Plains, New York 10601, on November 30,

2007 at 10:00 a.m. or as soon as counsel may be heard, for an Order, pursuant to Fed. R. Civ. P.

12(b)(6), dismissing this action for failure to state a claim for which relief can be granted.

*Motion withdrawn to be reinitiated after the filing of  
the consolidated amended complaint. See transcript  
of hearing at this date.  
Charles Brieant  
USDS  
SO ORDERED  
April 15, 2008*

PLEASE TAKE FURTHER NOTICE that responsive papers, if any, are due on October 25, 2007, and reply papers, if any, are due on November 1, 2007.

Dated: October 11, 2007  
New York, New York

By: /s/ Louis M. Solomon  
Louis M. Solomon (LS 7906)  
Michael S. Lazaroff (ML 0149)  
Jennifer L. Jones (JJ 5987)  
Patrick J. Dempsey (PD 8372)  
PROSKAUER ROSE LLP  
1585 Broadway  
New York, NY 10036  
(212) 969-3000  
*Attorneys for Defendant PepsiCo, Inc.*

/s/ Donald H. Tucker, Jr.  
Donald H. Tucker, Jr.\*  
James M. Parrot (JP 5297)  
SMITH, ANDERSON, BLOUNT, DORSETT,  
MITCHELL & JERNIGAN, LLP  
2500 Wachovia Capitol Center  
Raleigh, NC 27602  
(919) 821-6681  
*Attorneys for Defendant Pepsi Bottling Ventures LLC*  
*(\*admitted pro hac vice)*

TO: Hunter J. Shkolnik (HS 4854)  
Simcha D. Schonfel (SS 4830)  
RHEINGOLD, VALET, RHEINGOLD,  
SHKOLNIK & MCCARTNEY LLP  
113 East 37<sup>th</sup> Street  
New York, New York 10016  
(212) 684-1880

and

Richard J. Arsenault  
NEBLETT, BEARD & ARSENAULT  
2220 Bonaventure Court  
Alexandria, LA 71301  
(318) 487-9874

*Attorneys for Plaintiffs*